

orphans and their estates, and to appoint guardians, where it may be deemed necessary, in the manner heretofore exercised by the late County and Superier Courts.

§173.—Inquisition of lunacy.

Any person in behalf of one who is deemed an idiot, inebriate or lunatic, or incompetent from want of understanding to manage his own affairs, by reason of the excessive use of intoxicating drinks or other cause, may file a petition before the Judge of Probate of the county where such supposed idiot, inebriate or lunatic resides, setting forth the facts, duly verified by the oath of the petitioner. Whereupon such Judge of Probate shall issue an order, upon notice to the supposed idiot, inebriate or lunatic, to the sheriff of the county commanding him to summon a jury of twelve men to inquire into the state of mind of such supposed idiot, inebriate or lunatic. The jury shall make return of their proceedings under their hands to the Judge of Probate, who shall file and record the same; and he shall proceed to appoint a gaurdian of any person so found to be an idiot, inebriate or lunatic, by inquisition of a jury, as in cases of orphans.

§174.—Proceedings on application for guardianship.

On application to any Judge of Probate for the custody and guardianship of any infant, idiot, inebriate or lunatic, it is the duty of such Judge of Probate to inform himself of the circumstances of the case on the oath of the applicant or of any other person; and if none of the relatives of the infant, idiot, inebriate or lunatic are present at such application, the Probate Judge must assign, or, for any other good cause, he may assign a day for the hearing; and he shall thereupon direct notice thereof to be given to such of the relatives and to such other persons, if any, as he deem it proper to notify. On the hearing, he shall ascertain, on oath, the amount of the property, real and personal, of the infant, idiot, inebriate or lunatic, and the value of the rents